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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/138,920 | 08/24/1998 | CHRISTOPHER L. AUTEN | | 4701 |

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EXAMINER

DAVIS, TEMICA M

ART UNIT

PAPER NUMBER

2681

DATE MAILED: 06/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/138,920

Applicant(s)
Auten et al.

Examiner
Temica M. Davis

Art Unit
2681



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Jun 17, 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-11, 15, and 20 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-11, 15, and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

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DETAILED ACTION

Reassignment Affecting Application Location

1. The art unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to art unit 2681.

Claim Objections

2. Claims 8 and 15 are objected to because of the following informalities: In line 8 of claim 8, "the housing" should be more descriptive since two different housings are being claimed. For purposes of examination, "the housing" will be interpreted as the power source housing. In claim 15, "15.." should read --15.--.

Appropriate correction is required.

Response to Arguments

3. Applicant's arguments filed June 17, 2003, with regard to Armani, have been fully considered but they are not persuasive.

Applicant argues that Armani discloses a battery pack with an interchangeable "tag-along" supplemental feature cartridge, and as such can not be considered an integrated device.

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The examiner, however, respectfully disagrees. Although the cartridge with the power source is interchangeable with the battery pack, the power source cartridge can still be considered integrated with the battery pack when it is attached to the battery pack. Further the combined battery pack/cartridge is used to provide power to the cellular phone when it is attached to it and to light the surrounding area of the phone (col. 4, lines 55-63 and col. 7, lines 5-30).

Therefore, the rejections with respect to Armani stand as set forth below.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 8-10, 13 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Armani, U.S. Patent No. 5,786,106 in view of Soon, U.S. Patent No. 5,901,206.

Regarding claim 8, Armani discloses an integrated power source unit (110) for a telecommunications device (cellular phone) comprising a housing (figure 1) adapted to be received by a telecommunication device (col. 3, lines 20-41 and col. 4, lines 55-63) inherently having a housing, a lens (30) located within the wall of the housing of the power source in a location wherein when the power source housing is received by the telecommunications device,

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the lens is positioned inherently within a face of the telecommunications device as evidenced by the fact that the power source attaches to the telecommunications device (col. 5, lines 40-52), a source of illumination located within the housing and positioned to project a beam of light through the lens (col. 5, lines 8-9; figure 2) to inherently illuminate an area surrounding the telecommunications device with sufficient candlepower to enable a user to view the area as evidenced by the fact that its a flashlight (col. 3, lines 42-44); and a power source for the source of illumination (col. 6, lines 36-43).

Armani, however, fails to specifically disclose the shape of telecommunications device housing, particularly wherein the housing has a parallelepiped housing a front face, a back face, and first and second side face, a top end face and a bottom end face, wherein the lens of the power source housing is positioned in the bottom face of the telecommunications device housing.

In a similar field of endeavor, Soon discloses a portable telephone with a flashlight. Soon further discloses wherein the portable telephone has a parallelepiped housing a front face, a back face, and first and second side face, a top end face and a bottom end face (col. 2, lines 18-23; figures 1 and 2), and further discloses a lens (26) located in the housing of the phone (figure 2).

Therefore, at the time of invention, it would have been obvious to a person of ordinary skill in the art to modify the housing of the telecommunications device (cellular phone) of Armani with the housing of the cellular phone taught in Soon since such a housing design of cellular phones is widely used as shown in Soon. Although the combination of Armani and Soon fails to disclose the lens located in the bottom end face of the housing of the cellular phone, the

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examiner contends, however, that such a feature would have been obvious since it has been held that relocation of parts requires only routine skill.

Regarding claim 9, the combination of Armani and Soon discloses the power source unit of claim 8 further comprising a switch in electrical communication with the power source of the source of illumination (Armani, col. 6, lines 36-43).

Regarding claim 10, the combination of Armani and Soon discloses the power source unit of claim 8, wherein the source of illumination is an incandescent light bulb (i.e., lamp 74; col. 5, lines 8-9; figure 3B).

Regarding claim 13, the combination of Armani and Soon discloses a cordless telephone comprising the power source unit of claim 8 (Armani, col. 7, lines 37-44).

Regarding claim 15, the combination of Armani and Soon discloses a cellular telephone comprising the power source unit of claim 8 (Armani, col. 7, lines 37-44).

6. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Armani and Soon in further view of Sharrah et al (Sharrah) U.S. Patent No. 5,871,272.

Regarding claim 11, the combination of Armani and Soon discloses the power source unit of claim 8 as described above. The combination, however, fails to specifically disclose wherein the source of illumination is an light emitting diode (LED).

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In a similar field of endeavor, Sharrah discloses a flashlight with a rotatable lamp head. Sharrah further discloses wherein the flashlight uses an LED as its source of illumination (col. 2, lines 35-62).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify the combination of Armani and Soon with the teachings of Sharrah for the purposes of providing low-light intensity in a viewing area, thereby possibly conserving battery power.

7. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Armani and Soon in further view of Mallory, U.S. Patent No. 4,499,525.

Regarding claim 20, the combination of Armani and Soon discloses the power source of claim 8 as described above and further, inherently discloses the source of light generating a certain amount of lumens as evidenced by the fact that it's a light bulb.

The combination, however, fails to specifically disclose wherein the source of illumination is capable of generating from 0.1 to 30 lumens.

In a similar field of endeavor, Mallory discloses a constant illumination flashlight. Mallory further discloses wherein bulb within the flashlight can generate various amounts of lumens between 0.1 to 30 (col. 5, line 22-col. 6, line 40).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify the combination of Armani and Soon with the teachings of Mallory since it is

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known in the art that flashlight bulbs produce various amounts of lumens in order to view a users surrounding area.

Although the range of lumens generated do not specifically include 0.1 and 30, the examiner contends that at the time of invention, such a feature would have been obvious to one of ordinary skill in the art since it has been held that finding workable ranges requires only routine skill in the art.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Temica M. Davis whose telephone number is (703) 306-5837. The examiner can normally be reached on Monday-Thursday from 6:30 am to 4:00 pm. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Dwayne Bost, can be reached on (703) 305-4778.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to TC2600 Customer Service whose telephone number is (703)306-0377.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for any communications intended for entry).

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Hand-delivered responses should be brought to Crystal Park II, 2121

Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

Temica M. Davis

June 24, 2003


TEMICA M. DAVIS
PATENT EXAMINER